

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1815 - SB 2042

May 28, 2020

SUMMARY OF ORIGINAL BILL: Creates an offense to intentionally cause a person, by force or coercion, to become a criminal gang member against the person's will. Sets the penalty for the offense based on the age of the victim.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$178,700 Incarceration*

SUMMARY OF AMENDMENT (017792): Changes the effective date from July 1, 2020 to October 1, 2020. Removes the provision specifying that the exclusion applies to offenses committed on or after the effective date.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation sets the punishment for the offense of intentionally causing a person to become a criminal gang member by victims' ages at the time of the offense as follows:
 - Class D felony if the victim was older than 21;
 - Class C felony if the victim was 17 but no more than 21;
 - Class B felony if the victim was 14 but no more than 16; and
 - Class A felony if the victim was 13 years or younger.
- The proposed legislation will result in one Class B felony admission each year.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- The average time served for a Class B felony is 6.48 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 2,366.82 days (6.48 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$178,742 (\$75.52 x 2,366.82 x 1).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj